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The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Lobbying (Improving Government Honesty and Trust) Bill 2023

No. , 2023

(Dr Ryan)

**A Bill for an Act to establish a scheme to promote
and enhance transparency, integrity and honesty in
dealings between lobbyists and Government
representatives, and for related purposes**

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1 **A Bill for an Act to establish a scheme to promote**
2 **and enhance transparency, integrity and honesty in**
3 **dealings between lobbyists and Government**
4 **representatives, and for related purposes**

5 The Parliament of Australia enacts:

6 **Part 1—Preliminary**
7

8 **1 Short title**

9 This Act is the *Lobbying (Improving Government Honesty and*
10 *Trust) Act 2023*.

Section 2

1 **2 Commencement**

2 (1) Each provision of this Act specified in column 1 of the table
3 commences, or is taken to have commenced, in accordance with
4 column 2 of the table. Any other statement in column 2 has effect
5 according to its terms.

6

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after the day on which the Consolidated Revenue Fund is appropriated under an Act to the Department in which this Act is administered for payment for the purposes of this Act.	

7 Note: This table relates only to the provisions of this Act as originally
8 enacted. It will not be amended to deal with any later amendments of
9 this Act.

10 (2) Any information in column 3 of the table is not part of this Act.
11 Information may be inserted in this column, or information in it
12 may be edited, in any published version of this Act.

13 **3 Objects of this Act**

14 The objects of this Act are to promote and enhance transparency,
15 integrity and honesty in dealings between lobbyists and
16 Government representatives by:

- 17 (a) providing for the registration of lobbyists; and
18 (b) restricting lobbying by certain former Government
19 representatives; and
20 (c) ensuring that registered lobbyists comply with appropriate
21 standards of conduct when engaging in lobbying activities
22 with Government representatives; and
23 (d) requiring the publication of Ministerial diaries on a periodic
24 basis; and
25 (e) requiring the Australian Government Directory to include
26 entries for current and former senior Ministerial staffers; and

- 1 (f) restricting lobbying and inappropriate practices of Ministers
2 after ceasing to be Ministers; and
- 3 (g) restricting lobbying and inappropriate practices of senior
4 Government advisers after ceasing to be senior Government
5 advisers; and
- 6 (h) providing for the enforcement of this Act, including through
7 the imposition of appropriate penalties.

8 **4 Simplified outline of this Act**

9 This Act establishes a scheme to promote and enhance
10 transparency, integrity and honesty in dealings between lobbyists
11 and Government representatives.

12 ***Lobbying activity*** and ***lobbyist*** are defined in Part 2.

13 Part 3 regulates lobbying activities by:

14 (a) prohibiting lobbying activity by unregistered lobbyists;
15 and

16 (b) restricting lobbying, and inappropriate work practices,
17 by certain former Government representatives after they
18 cease to hold office; and

19 (c) requiring registered lobbyists to comply with
20 appropriate standards of conduct when engaging in
21 lobbying activities with Government representatives;
22 and

23 (d) imposing obligations on Government representatives
24 who are party to lobbying activities.

25 Part 4 provides for the establishment of a Register of Lobbyists and
26 sets out processes for registering lobbyists, for keeping the Register
27 up-to-date and for varying, suspending or cancelling registrations.
28 The processes for keeping the Register up-to-date include requiring
29 registered lobbyists to give quarterly returns.

30 Part 5 makes provision for the publication of Ministerial diaries on
31 a periodic basis, and for the Australian Government Directory to
32 include entries for current and former senior Ministerial staffers.

Section 5

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Part 6 provides for alleged contraventions of the Act to be referred to the National Anti-Corruption Commissioner and for the investigation of alleged contraventions by the National Anti-Corruption Commissioner.

Part 7 makes provision for a review of the operation of the Act and deals with other miscellaneous matters.

7 **5 Crown to be bound**

- 8 (1) This Act binds the Crown in each of its capacities.
9 (2) This Act does not make the Crown liable to a pecuniary penalty or
10 to be prosecuted for an offence.

11 **6 Application**

- 12 (1) This Act applies both within and outside Australia and extends to
13 the external Territories.
14 (2) This Act applies in relation to lobbying activities engaged in on or
15 after the commencement of this Act.
16 (3) Nothing in this Act:
17 (a) requires a Government representative to have dealings with:
18 (i) a particular lobbyist; or
19 (ii) lobbyists in general; or
20 (b) limits communication by a person (whether personally or
21 through a lobbyist) with a Government representative if a law
22 requires a Government representative to take account of the
23 views advanced by the person.

24 **7 Extended geographical jurisdiction for offences**

25 Section 15.1 (extended geographical jurisdiction—category A) of
26 the *Criminal Code* applies to all offences against this Act.

Part 2—Definitions

8 Definitions

In this Act:

ABN (short for **Australian Business Number**) has the meaning given by the *A New Tax System (Australian Business Number) Act 1999*.

Agency Head has the same meaning as in the *Public Service Act 1999*.

approved form means a form approved in writing by the Commissioner for the purposes of the provision in which the expression appears.

Commissioner means the National Anti-Corruption Commissioner.

Commonwealth entity has the same meaning as in the *Public Governance, Performance and Accountability Act 2013*.

communicating with a Government representative includes oral, written and electronic communications.

engage in conduct means:

- (a) do an act; or
- (b) omit to perform an act.

entity:

- (a) means a natural person, a body corporate, a partnership or a trust; and
- (b) includes, in the case of a trust, the trustee of the trust.

Government decision-making includes the making of decisions in relation to any of the following:

- (a) the proposing, making or amending of legislation;
- (b) the proposing, developing or amending of an Australian government policy or program;
- (c) the awarding of an Australian government contract;

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1 (d) the granting or allocating of funding.

2 Note: Paragraph (a) covers both primary and delegated legislation.

3 **Government representative** means any of the following:

4 (a) a parliamentarian;

5 (b) a person employed or engaged by a parliamentarian under the
6 *Members of Parliament (Staff) Act 1984*;

7 (c) an Agency Head or a person employed under the *Public*
8 *Service Act 1999*;

9 (d) a person engaged as a contractor or consultant by a
10 Commonwealth entity;

11 (e) a member of the Australian Defence Force.

12 **in-house lobbyist**: see subsection 10(3).

13 **listed person**: see subparagraph 16(1)(b)(iii).

14 **lobbying activity**: see section 9.

15 **lobbyist**: see section 10.

16 **officer** has the same meaning as in the *Corporations Act 2001*.

17 **parliamentarian** has the same meaning as in the *National*
18 *Anti-Corruption Commission Act 2022*.

19 **professional lobbyist**: see subsection 10(2).

20 **quarter** means a period of 3 months ending on 31 March, 30 June,
21 30 September or 31 December.

22 **Register** means the Register of Lobbyists established under
23 section 15.

24 **registered lobbyist** means a lobbyist that is included in the
25 Register.

26 **rules** means the rules made under section 33.

27 **senior Government adviser** means a person who is:

28 (a) a senior Ministerial staffer of a Minister; or

29 (b) an Agency Head; or

Section 9

- 1 (c) an SES employee (or equivalent) of a Commonwealth entity;
 2 or
 3 (d) a member of the Australian Defence Force with the rank of
 4 Colonel (or equivalent) or higher.

5 Note: *SES employee* is defined in the *Acts Interpretation Act 1901*.

6 ***senior Ministerial staffer***, of a Minister, means a person who:

- 7 (a) is employed or engaged by the Minister under the *Members*
 8 *of Parliament (Staff) Act 1984*; and
 9 (b) is classified as a member of senior staff.

10 Note: Attachment A of the *Commonwealth Members of Parliament Staff*
 11 *Enterprise Agreement 2020-23* sets out the classification structure for
 12 these senior staff. In 2023, this agreement could be viewed on the
 13 website of the department administered by the Minister for Finance
 14 (<http://www.finance.gov.au>).

15 ***serious contravention*** means a contravention of:

- 16 (a) section 11 (lobbying activity by unregistered lobbyists
 17 prohibited); or
 18 (b) section 13 (conduct of lobbying activities).

19 ***third-party client***, of a professional lobbyist, means a person or
 20 body that has engaged the lobbyist to make representations to
 21 Government representatives.

22 **9 Meaning of *lobbying activity***

- 23 (1) ***Lobbying activity*** means any activity undertaken with, or in
 24 relation to, a Government representative for the purpose of
 25 influencing Government decision-making.

26 Note 1: Organising a meeting with a Government representative could be a
 27 lobbying activity.

28 Note 2: This subsection covers activities to influence current or future
 29 Government decision-making.

- 30 (2) Despite subsection (1), none of the following is a ***lobbying activity***:
 31 (a) communicating with a committee of the Parliament;
 32 (b) a communication by a person in the person's capacity as a
 33 constituent;

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- 1 (c) communicating as part of an activity of a grassroots
2 campaign nature in an attempt to influence an Australian
3 government policy or decision;
- 4 (d) responding to:
5 (i) a call for submissions; or
6 (ii) a request for tender;
- 7 (e) making a statement in a public forum;
- 8 (f) providing information in response to a request from a
9 Government representative;
- 10 (g) communicating about a personal matter on behalf of:
11 (i) the person making the communication; or
12 (ii) a friend or relative of that person;
- 13 (h) communications by a person who is registered under an
14 Australian government scheme regulating the activities of
15 members of that profession (such as registered tax agents,
16 customs brokers, company auditors and liquidators), to the
17 extent that the communications are:
18 (i) part of the normal day to day work of people in that
19 profession; and
20 (ii) not for the purpose of influencing Government decision
21 making;
- 22 (i) any activity prescribed by the rules.

23 **10 Meaning of *lobbyist***

- 24 (1) A person is a ***lobbyist*** if the person is:
25 (a) a professional lobbyist; or
26 (b) an in-house lobbyist of an entity.
- 27 (2) A person is a ***professional lobbyist*** if:
28 (a) the person undertakes lobbying activities on behalf of a
29 third-party client; or
30 (b) the person employs or engages another person to undertake
31 lobbying activities on behalf of a third-party client.
- 32 (3) A person is an ***in-house lobbyist*** of an entity if:
33 (a) subsection (4) applies to the entity; and

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- 1 (b) the person is an officer, employee or contractor of the entity;
2 and
- 3 (c) the person has spent at least 8 hours in a calendar month
4 undertaking or directing lobbying activities for the entity for
5 at least 3 calendar months:
- 6 (i) in the current financial year; or
7 (ii) in any of the last 3 financial years.
- 8 (4) This subsection applies to the entity if the entity:
- 9 (a) incurs expenditure of at least \$100,000:
- 10 (i) for the current financial year; or
11 (ii) for any of the last 3 financial years;
12 on remuneration for officers, employees or contractors who,
13 as a significant part of their role for the entity, undertake or
14 direct lobbying activities for the entity; or
- 15 (b) has an annual revenue of at least \$5 million for the current
16 financial or for any of the last 3 financial years; or
17 (c) is an industry association.
- 18 (5) However, none of the following is a *lobbyist*:
- 19 (a) a member of a trade delegation visiting Australia;
20 (b) a person who provides technical or professional services:
- 21 (i) as a member of a technical or professional occupation
22 (such as medicine, law or accountancy); and
23 (ii) to the extent that the undertaking of lobbying activities
24 by that person is occasional only and incidental to the
25 provision of the technical or professional services;
- 26 (c) a person prescribed by the rules.

Section 11

1 **Part 3—Regulation of lobbying activities and**
2 **related practices**
3

4 **11 Lobbying activity by unregistered lobbyists prohibited**

5 A person commits an offence if:

- 6 (a) the person undertakes lobbying activities with, or in relation
7 to, a Government representative; and
8 (b) the person is:
9 (i) a professional lobbyist; or
10 (ii) an officer of a professional lobbyist; or
11 (iii) employed, contracted or engaged by a professional
12 lobbyist to conduct lobbying activities; or
13 (iv) an in-house lobbyist of an entity; and
14 (c) the person is not:
15 (i) a registered lobbyist; or
16 (ii) a listed person for a registered lobbyist.

17 Penalty: 100 penalty units.

18 **12 Certain former Government representatives must not engage in**
19 **lobbying activities or related practices**

- 20 (1) A person commits an offence if, after ceasing to hold office as a
21 Minister:
22 (a) the person does either of the following during the next 3
23 years for the person's financial or commercial advantage:
24 (i) undertake lobbying activities with a Government
25 representative relating to a matter that the person had
26 official dealings with in the person's last 3 years of
27 holding that office;
28 (ii) provide advice or information to assist a person
29 engaging in a lobbying activity on an aspect of the work
30 of a department or agency for which the person had
31 ministerial responsibility in the person's last 3 years of
32 holding that office; or

- 1 (b) the person provides advice or information:
2 (i) on an aspect of a project, contract or commercial
3 arrangement for which the person had ministerial
4 responsibility in the person's last 3 years of holding that
5 office; and
6 (ii) for the person's financial or commercial advantage.

7 Note: A Parliamentary Secretary is a Minister (see section 4 of the *Ministers*
8 *of State Act 1952*).

9 Penalty: 100 penalty units.

10 (2) A person commits an offence if, after ceasing to hold office as a
11 senior Government adviser:

- 12 (a) the person does either of the following during the next 3
13 years for the person's financial or commercial advantage:
14 (i) undertake lobbying activities with a Government
15 representative relating to a matter that the person had
16 official dealings with in the person's last 3 years of
17 holding that office;
18 (ii) provide advice or information to assist a person
19 engaging in a lobbying activity on an aspect of the work
20 of a department or agency for which the person had
21 official dealings with in the person's last 3 years of
22 holding that office; or

- 23 (b) the person provides advice or information:
24 (i) on an aspect of a project, contract or commercial
25 arrangement for which the person had official dealings
26 with in the person's last 3 years of holding that office;
27 and
28 (ii) for the person's financial or commercial advantage.

29 Penalty: 100 penalty units.

Section 13

1 **13 Obligations of registered lobbyists and listed persons**

2 *Principles when undertaking lobbying activities*

- 3 (1) In undertaking lobbying activities with, or in relation to, a
4 Government representative, a registered lobbyist or listed person
5 must observe the following principles:
- 6 (a) the lobbyist or person must not engage in conduct that is
7 corrupt, dishonest or illegal;
 - 8 (b) the lobbyist or person must not engage in conduct that
9 unlawfully causes or threatens detriment to another person;
 - 10 (c) the lobbyist or person must use all reasonable endeavours to
11 satisfy themselves of the truth and accuracy of all statements
12 and information provided by them to:
 - 13 (i) their clients; or
 - 14 (ii) members of the public; or
 - 15 (iii) Government representatives;
 - 16 (d) the lobbyist or person must keep their lobbying activities
17 separate from any activities the lobbyist or person engages in
18 in a personal capacity or on behalf of a political party;
 - 19 (e) before engaging in the lobbying activities, the lobbyist or
20 person must inform the Government representative:
 - 21 (i) that the person is a registered lobbyist or a listed person
22 for a registered lobbyist; and
 - 23 (ii) of the names of each client on behalf of whom the
24 person is engaging in the lobbying activities (including
25 the name of any third-party client that is not included in
26 the Register because of subsection 16(2)); and
 - 27 (iii) the nature of the matters that each such client wishes
28 them to raise with the Government representative; and
 - 29 (iv) if the lobbyist or person is prohibited from engaging in
30 certain lobbying activities under section 12—the
31 information included in the Register in relation to the
32 lobbyist or person for the purposes of
33 paragraph 16(1)(d);
 - 34 (f) the lobbyist or person must not provide a gift directly or
35 indirectly to the Government representative, unless the gift is

- 1 of low value and is given as a token of appreciation or as a
 2 promotional item;
- 3 (g) the lobbyist or person must not provide hospitality directly or
 4 indirectly to the Government representative, unless the
 5 hospitality is of low value and is for consumption during an
 6 in-person gathering;
- 7 (h) any other principle prescribed by the rules.

8 Note: Paragraph (f) and (g) include providing a gift or hospitality to a
 9 Government representative for the purposes of influencing future
 10 Government decision-making (see subsection 9(1))

11 *No lobbying activities with a Government representative if in a*
 12 *close relationship*

- 13 (2) A registered lobbyist or listed person must not undertake lobbying
 14 activities with, or in relation to, a Government representative if the
 15 Government representative would reasonably be seen to have:
- 16 (a) a close relationship with the lobbyist or person; and
 17 (b) a sense of obligation towards the lobbyist or person because
 18 of that close relationship.

19 *No lobbying activities if performing a substantial role in an*
 20 *election campaign for a political party*

- 21 (3) An in-house lobbyist or a listed person must not, during the period:
 22 (a) starting when the writs are issued for a general election
 23 (within the meaning of the *Commonwealth Electoral Act*
 24 *1918*) or for the election of a member of the House of
 25 Representatives; and
 26 (b) ending 6 months after the day of that election;
 27 perform a substantial role in the election campaign of a political
 28 party (within the meaning of that Act).

29 Note 1: A substantial role includes, for example, an election campaign
 30 manager or a senior role in the party's headquarters.

31 Note 2: If the in-house lobbyist or listed person wishes to perform such a role,
 32 the Commissioner should be requested to vary, suspend or cancel the
 33 relevant registration beforehand (see subsection 22(6)).

Section 14

1 *Offence*

2 (4) A person commits an offence if the person contravenes
3 subsection (1), (2) or (3).

4 Penalty: 100 penalty units.

5 **14 Obligations of Government representatives**

6 (1) A Government representative must not be a party to lobbying
7 activities with a person who is:

8 (a) a professional lobbyist; or

9 (b) an officer of a professional lobbyist; or

10 (c) employed, contracted or engaged by a professional lobbyist
11 to conduct lobbying activities; or

12 (d) an in-house lobbyist of an entity;

13 unless:

14 (e) the person is a registered lobbyist or listed person for a
15 registered lobbyist; and

16 (f) the person has informed the Government representative:

17 (i) that the person is a registered lobbyist or a listed person
18 for a registered lobbyist; and

19 (ii) of the names of each client on behalf of whom the
20 person is engaging in the lobbying activities (including
21 the name of any third-party client that is not included in
22 the Register because of subsection 16(2)).

23 (2) If a Government representative becomes aware of a contravention
24 of a provision of this Act, the Government representative must
25 refer the matter to the Commissioner under section 25 as soon as
26 practicable and within 7 days.

1 **Part 4—Registration**

2 **Division 1—Register of Lobbyists**

3 **15 Establishment of Register**

- 4 (1) The Commissioner must establish and maintain a Register of
5 Lobbyists.
- 6 (2) The Register must be kept by electronic means.
- 7 (3) The Register is not a legislative instrument.
- 8 (4) The Register must be published on the website of the Department
9 administered by the Attorney-General.

10 **16 Information to be included in the Register**

- 11 (1) The Register must contain, for each registered lobbyist, the
12 following information:
- 13 (a) the lobbyist's name;
- 14 (b) if the lobbyist is a professional lobbyist—the following:
- 15 (i) the lobbyist's business registration particulars;
- 16 (ii) the name of each owner of the lobbyist's business and
17 any partners or major shareholders in the business;
- 18 (iii) the name and position of each person (a *listed person*)
19 who is an officer of the lobbyist, or who is employed,
20 contracted or engaged by the lobbyist to conduct
21 lobbying activities;
- 22 (c) if the lobbyist is an in-house lobbyist of an entity—the
23 entity's name;
- 24 (d) if the lobbyist, or a listed person, is a former Government
25 representative—the following:
- 26 (i) a statement that the lobbyist or listed person is a former
27 Government representative;
- 28 (ii) the date the person became a former Government
29 representative;

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- 1 (iii) the title of the most recent position the person held as a
2 Government representative;
- 3 (e) subject to subsection (2), the information included in each
4 quarterly return given under section 17 by the lobbyist;
- 5 (f) any other information that the Commissioner considers
6 appropriate to include in the Register.
- 7 (2) The Register must not include any information about a third-party
8 client of a professional lobbyist if the lobbyist has notified the
9 Commissioner, in writing:
- 10 (a) that including information about the third-party client in the
11 Register would, or could, reasonably be expected to result in
12 speculation about a pending transaction involving the
13 third-party client; and
- 14 (b) that the transaction has not previously been disclosed by the
15 third-party client in accordance with its continuous disclosure
16 obligations under Chapter 6CA of the *Corporations Act*
17 *2001*; and
- 18 (c) of the date when it would reasonably be expected that the
19 information about the third-party client can be included in the
20 Register.
- 21 Note: A lobbyist who has given the Commissioner a notice for the purposes
22 of this subsection is required to notify the Commissioner of any
23 change to the information included in the notice within 10 business
24 days after the change occurs (see section 20).

25 **17 Information from quarterly returns to be included in the Register**

- 26 (1) A registered lobbyist must give the Commissioner a return by the
27 end of the fifth business day after the end of each quarter that ends
28 after the day the lobbyist is registered.
- 29 Note: A failure to give the return may result in the suspension or
30 cancellation of the lobbyist's registration (see paragraph 22(1)(a)).
- 31 (2) The return must state the number of lobbying activities undertaken,
32 or directed, during the quarter by:
- 33 (a) the lobbyist; or
34 (b) a listed person for the lobbyist.

- 1 (3) For each of these lobbying activities, the return must include:
2 (a) the topic of the activity and the desired outcome; and
3 (b) the name of each Government representative the activity was
4 with or relates to; and
5 (c) the form of any communication with a Government
6 representative as part of the activity; and
7 (d) the day or days the activity happened; and
8 (e) the names of the persons directing and undertaking the
9 activity.
- 10 (4) If the lobbyist is a professional lobbyist, the return must also
11 include the following for each of these lobbying activities:
12 (a) the name of each listed person involved in the activity;
13 (b) the name, ABN and address of the lobbyist's third party
14 client for whom the activity was undertaken;
15 (c) if the third party client is a body corporate—the name, ABN
16 and address of each related body corporate (within the
17 meaning of the *Corporations Act 2001*) of the client;
18 (d) the name, ABN (if any) and address of any entity who
19 controls (within the meaning of section 50AA of the
20 *Corporations Act 2001*) the third party client.

Section 18

1 **Division 2—Registration process**

2 **18 Application for registration**

- 3 (1) A lobbyist may apply to the Commissioner for registration as a
4 registered lobbyist.
- 5 (2) An application must be in the approved form.
- 6 (3) An application must be accompanied by a statutory declaration:
7 (a) that is made by the lobbyist and each proposed listed person
8 for the lobbyist; and
9 (b) that is to the effect that the lobbyist or listed person (as the
10 case may be):
11 (i) has never been sentenced to a term of imprisonment of
12 30 months or more, or to a fine of 180 penalty units or
13 more; and
14 (ii) has not been convicted, in the last 10 years, of an
15 offence, one element of which involves dishonesty, such
16 as theft or fraud; and
17 (iii) is not a member of a State or federal political party
18 executive, State executive or administrative committee
19 (or an equivalent body); and
20 (c) that:
21 (i) is to the effect that the lobbyist or listed person (as the
22 case may be) has not previously committed a serious
23 contravention of this Act; or
24 (ii) if the lobbyist or listed person has committed such a
25 contravention—includes the details of each such
26 contravention.
- 27 (4) Despite subsection (3), if the Commissioner is satisfied that
28 exceptional circumstances exist that make it impracticable for the
29 information mentioned in that subsection to be given in a statutory
30 declaration, the Commissioner may agree to the information being
31 given in another form.

1 **19 Registration**

- 2 (1) Subject to this section, the Commissioner must register a lobbyist
3 if the lobbyist has made an application in accordance with
4 section 18.
- 5 (2) If the Commissioner is satisfied that a lobbyist or a proposed listed
6 person has, at any time, committed a serious contravention of this
7 Act, the Commissioner may decide not to register the lobbyist for a
8 period of up to 12 months.
- 9 (3) The Commissioner must not refuse to register a lobbyist under
10 subsection (2) unless the Commissioner has given the lobbyist a
11 written notice that:
12 (a) states the reasons why the Commissioner is proposing to
13 refuse to register the lobbyist; and
14 (b) requests the lobbyist to give the Commissioner, within the
15 period specified in the notice, a written statement showing
16 cause why the Commissioner should not refuse to register the
17 lobbyist.
- 18 (4) The Minister may, in writing, direct the Commissioner to refuse to
19 register a lobbyist.
- 20 (5) If the Commissioner is given a direction under subsection (4), the
21 Commissioner must refuse to register the lobbyist.
- 22 (6) The Minister must not give a direction under subsection (4) unless
23 the Minister has given the lobbyist a written notice that:
24 (a) states the reasons why the Minister is proposing to give the
25 direction; and
26 (b) requests the lobbyist to give the Minister, within the period
27 specified in the notice, a written statement showing cause
28 why the direction should not be given.

Section 20

1 **Division 3—Updating the Register**

2 **20 Notification of changes to registration details**

- 3 (1) A person must give a written notice to the Commissioner under
4 this section if:
- 5 (a) the person is a registered lobbyist; and
 - 6 (b) there is a change in any of the following:
 - 7 (i) the information contained in the Register in respect of
 - 8 the person;
 - 9 (ii) the information included in the original application for
 - 10 registration under section 18;
 - 11 (iii) if the person has given the Commissioner a notice for
 - 12 the purposes of subsection 16(2)—the information
 - 13 included in that notice;
 - 14 (iv) the information included in a statutory declaration made
 - 15 for the purposes of subsection 18(3) or 21(2).

- 16 (2) The notice:
- 17 (a) must be given within 10 business days after the change
 - 18 occurs; and
 - 19 (b) must meet any requirements set out in the rules.

20 Note: A failure to give the notice may result in the suspension or
21 cancellation of the lobbyist's registration (see paragraph 22(1)(a)).

- 22 (3) A person commits an offence if:
- 23 (a) the person is required to give a notice in accordance with this
 - 24 section; and
 - 25 (b) the person fails to do so.

26 Penalty: 30 penalty units.

27 **21 Periodic confirmation of registration details**

- 28 (1) Within 10 business days after:
- 29 (a) 1 February each year; and
 - 30 (b) 1 July each year;

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1 a registered lobbyist must give the Commissioner written notice
2 confirming that the information contained in the Register in respect
3 of the lobbyist is up to date.

4 (2) The notice must:

5 (a) for a notice mentioned in paragraph (1)(b)—be accompanied
6 by a new statutory declaration of the kind required to be
7 made for the purposes of subsection 18(3); and

8 (b) in any case—meet any requirements set out in the rules.

9 Note: A failure to give the notice may result in the suspension or
10 cancellation of the lobbyist's registration (see paragraph 22(1)(a)).

11 (3) A person commits an offence if:

12 (a) the person is required to give a notice in accordance with this
13 section; and

14 (b) the person fails to do so.

15 Penalty: 30 penalty units.

1 **Division 4—Variation, suspension or cancellation of**
2 **registration**

3 **22 Variation, suspension or cancellation of registration**

4 *Variation, suspension or cancellation on the Commissioner’s*
5 *initiative*

- 6 (1) The Commissioner may vary, suspend or cancel a lobbyist’s
7 registration if the Commissioner is satisfied that:
8 (a) the lobbyist, or a listed person for the lobbyist, has
9 contravened this Act; or
10 (b) all or some of the information included in the Register in
11 relation to the lobbyist, or a listed person for the lobbyist, is
12 incorrect; or
13 (c) the lobbyist, or a listed person for the lobbyist, fails, within a
14 reasonable period, to answer a question relating to:
15 (i) information included in the Register in relation to the
16 lobbyist or listed person; or
17 (ii) the lobbying activities engaged in by the lobbyist or
18 listed person; or
19 (d) the lobbyist, or a listed person for the lobbyist, gives
20 inaccurate information in answering a question mentioned in
21 paragraph (c).

22 Note 1: For paragraph (a), examples of contraventions of this Act that could
23 result in the suspension or cancellation of a lobbyist’s registration
24 include the following:
25 (a) failing to give a quarterly return that includes the information
26 required by section 17;
27 (b) failing to notify under section 20 changes to information;
28 (c) failing to notify under section 21 that the information contained
29 in the Register is up to date.

30 Note 2: An example of a variation of a professional lobbyist’s registration
31 would be the removal from the Register of a listed person for the
32 lobbyist.

- 33 (2) The Commissioner must not vary, suspend or cancel a lobbyist’s
34 registration under subsection (1) unless the Commissioner has
35 given the lobbyist a written notice that:

- 1 (a) states the reasons why the Commissioner is proposing to
2 vary, suspend or cancel the registration; and
3 (b) requests the lobbyist to give the Commissioner, within the
4 period specified in the notice, a written statement showing
5 cause why the variation, suspension or cancellation should
6 not happen.

7 *Variation, suspension or cancellation at direction of the Minister*

- 8 (3) The Minister may, in writing, direct the Commissioner to vary,
9 suspend or cancel a lobbyist's registration.
- 10 (4) If the Commissioner is given a direction under subsection (3), the
11 Commissioner must comply with the direction.
- 12 (5) The Minister must not give a direction under subsection (3) unless
13 the Minister has given the lobbyist a written notice that:
14 (a) states the reasons why the Minister is proposing to give the
15 direction; and
16 (b) requests the lobbyist to give the Minister, within the period
17 specified in the notice, a written statement showing cause
18 why the Minister should not give the direction.

19 *Variation, suspension or cancellation on request*

- 20 (6) The Commissioner may vary, suspend or cancel a lobbyist's
21 registration on the lobbyist's request.

22 Note: A professional lobbyist could, for example, request its registration to
23 be varied to suspend a person's status as a listed person for the
24 lobbyist while the person performs a substantial role in a party's
25 election campaign (see subsection 13(3)).

1 **Part 5—Other transparency requirements**
2

3 **23 Requirement to publish Ministerial diaries**

4 (1) Before the end of each calendar month, a Minister must cause a
5 copy of the Minister's diary for the previous calendar month, that
6 sets out the information covered by subsection (2), to be published
7 on the website of the department administered by the
8 Attorney-General.

9 (2) The information is as follows:

10 (a) all meetings with stakeholders, external organisations and
11 lobbyists that relate to the Minister's responsibilities,
12 including:

13 (i) meetings held in person, by videoconference,
14 teleconference or telephone call; and

15 (ii) meetings attended by the Minister or by an adviser to
16 the Minister;

17 (iii) details of who attended each meeting and the key
18 matters discussed;

19 (b) all events and functions attended by the Minister that relate to
20 the Minister's responsibilities.

21 Note: A Parliamentary Secretary is a Minister (see section 4 of the *Ministers*
22 *of State Act 1952*).

23 *Application*

24 (3) The first calendar month in relation to which a diary must be
25 published under subsection (1) is the first calendar month that
26 starts on or after the commencement of this Act.

27 **24 Requirement for Australian Government Directory to include**
28 **entries for current and former senior Ministerial staffers**

29 (1) A Minister must promptly cause the name and contact details of
30 the following persons:

31 (a) each senior Ministerial staffer of the Minister;

32 (b) each former senior Ministerial staffer of the Minister;

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1 to be kept in the Australian Government Directory in a way that
2 links that person's entry to the Minister's entry on the Directory.

3 (2) The entry for a former senior Ministerial staffer of the Minister
4 must:

5 (a) state that the person has ceased to be a senior Ministerial
6 staffer of the Minister, and the state the day this happened;
7 and

8 (b) be kept in the Australian Government Directory for at least 3
9 years after that day.

10 Note: The person's contact details in the entry do not need to be kept
11 up-to-date after that day.

12 (3) In this section:

13 ***Australian Government Directory*** includes any website of the
14 Commonwealth that replaces the website that in 2023 is known by
15 that name.

16 Note: In 2023, this website is <http://www.directory.gov.au/>.

1 **Part 6—Enforcement**
2

3 **25 Referral of alleged contravention**

- 4 (1) If a person (the *first person*) reasonably believes that another
5 person has contravened a provision of this Act, the first person may
6 refer the matter to the Commissioner.
- 7 (2) The Commissioner may request the referral to be:
8 (a) given in a particular way; or
9 (b) accompanied or supported by further information.

10 **26 Investigations by the Commissioner**

- 11 (1) The Commissioner may, on its own initiative or in response to a
12 referral made under section 25, investigate whether a person has
13 contravened a provision of this Act.
- 14 (2) If a referral made under section 25 relates to an alleged
15 commission of an offence against this Act, the Commissioner may
16 refer the matter to the Australian Federal Police.
- 17 (3) If the Commissioner decides to investigate whether a person has
18 contravened a provision of this Act, the *National Anti-Corruption*
19 *Commission Act 2022* applies in relation to the investigation as if it
20 were a corruption investigation (within the meaning of that Act).

Part 7—Miscellaneous**27 Review of decisions**

Applications may be made to the Administrative Appeals Tribunal for review of the following decisions under this Act:

- (a) a decision of the Commissioner under subsection 19(2) not to register a lobbyist;
- (b) a decision of the Minister under subsection 19(4) to direct the Commissioner to refuse to register a lobbyist;
- (c) a decision of the Commissioner under subsection 22(1) to vary, suspend or cancel a lobbyist's registration;
- (d) a decision of the Minister under subsection 22(3) to direct the Commissioner to vary, suspend or cancel a lobbyist's registration;
- (e) a decision of the Commissioner under subsection 22(6) to refuse to vary a lobbyist's registration.

28 Treatment of partnerships

- (1) This Act applies to a partnership as if it were a person, but with the changes set out in this section.
- (2) An obligation that would otherwise be imposed on the partnership by this Act is imposed on each partner instead, but may be discharged by any of the partners.
- (3) An offence against this Act that is committed by a partnership is taken to have been committed by each partner in the partnership, at the time the offence was committed, who:
 - (a) did the relevant act or made the relevant omission; or
 - (b) aided, abetted, counselled or procured the relevant act or omission; or
 - (c) was in any way knowingly concerned in, or party to, the relevant act or omission (whether directly or indirectly and whether by any act or omission of the partner).

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1 **29 Treatment of unincorporated associations**

- 2 (1) This Act applies to an unincorporated association as if it were a
3 person, but with the changes set out in this section.
- 4 (2) An obligation that would otherwise be imposed on the association
5 by this Act is imposed on each member of the association's
6 committee of management instead, but may be discharged by any
7 of the members.
- 8 (3) An offence against this Act that would otherwise have been
9 committed by the unincorporated association is taken to have been
10 committed by each member of the association's committee of
11 management, at the time the offence was committed, who:
12 (a) did the relevant act or made the relevant omission; or
13 (b) aided, abetted, counselled or procured the relevant act or
14 omission; or
15 (c) was in any way knowingly concerned in, or party to, the
16 relevant act or omission (whether directly or indirectly and
17 whether by any act or omission of the member).

18 **30 Annual report**

- 19 The Commissioner, when preparing the annual report under
20 section 46 of the *Public Governance, Performance and*
21 *Accountability Act 2013* in relation to:
22 (a) the National Anti-Corruption Commission; and
23 (b) a period;
24 must include information in that report about the operation of this
25 Act during the period.

26 **31 Review of operation of Act by an expert panel**

- 27 (1) The Minister must cause an independent review of the operation of
28 this Act to be undertaken by an expert panel appointed in
29 accordance with section 32.
- 30 (2) The review must include an opportunity for members of the public
31 to make written submissions on the operation of this Act.

- 1 (3) The review must:
2 (a) commence within 3 years after the day this Act commences;
3 and
4 (b) be completed, by the expert panel giving the Minister a
5 written report of the review, within 4 years after the day this
6 Act commences.
- 7 (4) The Minister must cause a copy of the report of the review to be
8 laid before each House of the Parliament within 7 sittings days of
9 that House after receiving the report.

10 **32 Appointment of members of the expert panel**

- 11 (1) The Minister may, in writing, appoint 3 persons to the expert panel
12 to conduct the review of the operation of this Act. Each person
13 appointed to the panel must:
14 (a) satisfy the requirements of subsection (2); and
15 (b) be supported or nominated by the applicable parliamentary
16 committee under subsection (4).
- 17 (2) A person satisfies the requirements of this subsection if:
18 (a) the person has expertise or experience in one or more of the
19 following areas:
20 (i) community advocacy and engagement;
21 (ii) legal and regulatory compliance;
22 (iii) contemporary issues relating to lobbying; and
23 (b) the person is none of the following:
24 (i) a current officer or employee of a registered political
25 party (within the meaning of the *Commonwealth*
26 *Electoral Act 1918*);
27 (ii) a registered lobbyist or listed person;
28 (iii) a current or former parliamentarian.
- 29 (3) Before appointing any person under subsection (1), the Minister
30 must propose 3 persons to a parliamentary committee whose role
31 covers the kinds of matters set out in the objects of this Act.
- 32 (4) The parliamentary committee must notify the Minister that the
33 committee:

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- 1 (a) supports or vetoes the appointments of the proposed persons;
2 and
3 (b) for each veto of an appointment of a proposed person—
4 nominates 2 alternative persons for appointment, who each
5 satisfies the requirements of subsection (2).

6 **33 Rules**

- 7 (1) The Minister may, by legislative instrument, make rules
8 prescribing matters:
9 (a) required or permitted by this Act to be prescribed by the
10 rules; or
11 (b) necessary or convenient to be prescribed for carrying out or
12 giving effect to this Act.
- 13 (2) To avoid doubt, the rules may not do the following:
14 (a) create an offence or civil penalty;
15 (b) provide powers of:
16 (i) arrest or detention; or
17 (ii) entry, search or seizure;
18 (c) impose a tax;
19 (d) set an amount to be appropriated from the Consolidated
20 Revenue Fund under an appropriation in this Act;
21 (e) directly amend the text of this Act.